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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,007	08/06/2001	Laurence Gainsborough	85029-102 JAB	6898

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EXAMINER

GAGLIARDI, ALBERT J

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No

09/922,007

Applicant(s)

GAINSBOROUGH, LAURENCE

Examiner

Albert J. Gagliardi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on August 3 2001. It is noted, however, that applicant has not filed a certified copy of the Canadian application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 3,584,412) in view of Zhang (US 6,476,391 B1).

Regarding claim 1, *Palmer* discloses a method of controlling unruly persons comprising: identifying an area containing unruly persons; filling an area with non-toxic, non-injurious material which interferes with the visual sense of person in the area to prevent the persons from orienting themselves and prevents persons from seeing other persons in the area; and causing at least one authorized person to subdue the unruly persons (col. 15, lines 33-46).

Regarding steps of providing at least one authorized person with a thermal imaging camera operable to detect person within the area and generate an image of the detected persons and providing at least one authorized person within the area with a viewing device for viewing an image of the detected person, those skilled in the art appreciate that it is well known to utilize thermal imaging systems to allow for the viewing of persons within clouds of smoke, fog, and other low visibility areas. *Zhang*, for example, discloses a thermal imaging system (Fig. 1) that allows authorized persons within an area filled with a fogging material (smoke, for example) to

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detect and view persons that would otherwise be obscured from view (col. 1, lines 49-65). The examiner also notes that it is well known and considered desirable in riot situations to provide authorized persons with equipment (gas masks, for example) that reduces or prevents the authorized persons from being impaired by fogging materials designed to interfere with the visual sense of unruly persons within the area.

Therefore it would have been obvious to a person of ordinary skill in the art to modify the method of controlling unruly persons suggested by *Palmer* to further include steps of providing authorized persons with equipment such as a thermal imaging systems so as allow for the authorized persons to detect, view, and subdue persons within the fogged area in view of the well known use of such imaging systems for use within smoke, fog and other low visibility areas and the obvious advantages thereof.

Regarding claims 2-5 *Zhang* discloses that the camera (20) is mounted on a headpiece such as a helmet (10), and wherein the viewing device (32) is mounted on a support of the helmet to be carried in front of the eye.

Regarding claim 6, although not specifically suggested by *Palmer* and *Zhang*, it is well known in riot situations as well as other law enforcement actions to record images of scene in order to maintain a record of the activities for future reference and, therefore, it would have been obvious to a person of ordinary skill in the art to modify the method of controlling unruly persons suggested by *Palmer* and *Zhang* so as to further include a recording step so as to allow for maintaining a record of the action in view of the known desirability of doing so.

Regarding claims 7-9, absent some degree of criticality, the manner of subduing the unruly would have been an matter of routine design choice within the skill of a person of ordinary skill in the art depending on the needs of the particular application and the desired effect.

Regarding claims 10-11, *Palmer* discloses that the unruly persons are prisoners in a correctional or rioters (col. 15, lines 32-50).

Regarding claims 12-15, the claimed apparatus for use in controlling unruly persons is suggested by the method suggested by *Palmer* and *Zhang* as applied above and is rejected accordingly.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert J. Gagliardi whose telephone number is (703) 305-0417. The examiner can normally be reached on Monday thru Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Albert J. Gagliardi
Examiner
Art Unit 2878

AJG
March 19, 2003